

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Timothy A. Evans,)	
)	C/A No. 8:16-3811-TMC
Plaintiff,)	
)	
vs.)	ORDER
)	
William R. Byars, Jr., Dennis Patterson,)	
John R. Pate, Arthur Jordan,)	
McKendly Newton, Waltor Worrock,)	
Ricky Grimes, Larry Morris,)	
George Jenkins, Rump, Bealum)	
a/k/a Renee Behlin, Keith Wallace,)	
John Barkley, Donaldson, Spalding,)	
M. Smart, and Ann Hallman,)	
)	
Defendants.)	
)	

Plaintiff, Timothy A. Evans, a state prisoner proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civ. Rule 73.02, DSC, this matter was referred to a magistrate judge for pretrial handling. Before the court is the Magistrate Judge’s Report and Recommendation (“Report”), recommending that Defendants William R. Byars, Jr., Dennis Patterson, John R. Pate, Arthur Jordan, McKendly Newton, Waltor Worrock, Ricky Grimes, Larry Morris, George Jenkins, Rump, Keith Wallace, John Barkley, Donaldson, Spalding, M. Smart, and Ann Hallman be dismissed. (ECF No.126). Plaintiff was advised of his right to file objections to the Report. (ECF No. 126-1). Plaintiff has failed to file any objections, and the time to do so has now run. Additionally, the court notes that Plaintiff has failed to respond to Defendant Bealum’s motion for summary judgment (ECF No. 123), despite being warned of the consequences if he failed to respond. (ECF No. 124).

The magistrate judge makes only a recommendation to the court. The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In making that determination, the court is charged with conducting a de novo review of those portions of the Report to which either party specifically objects. *See* 28 U.S.C. § 636(b)(1). Then, the court may accept, reject, or modify the Report or recommit the matter to the magistrate judge. *Id.*

Therefore, after a thorough review of the Report and the record in this case, the court adopts the Magistrate Judge's Report (ECF No. 126). Moreover, because Plaintiff has also failed to respond to the sole remaining Defendant Bealum's pending summary judgment motion (ECF No. 123), the court finds the entire action should be dismissed. Accordingly, Plaintiff's action is **DISMISSED for failure to prosecute** pursuant to Federal Rule of Civil Procedure 41(b) and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982). *See also Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989).

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

February 16, 2018
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.